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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00775 SBA
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING STATUS CONFERENCE
v.	)	AND EXCLUDING TIME
	)	
JUAN OCTAVIANO LOPEZ,	)	
aka Juan Octavio Lopez Ortiz,	)	
aka Juan Lopez Gomez,	)	
aka Manuel Vargas, and	)	
GLENDY GOMEZ,	)	
aka Glendy Elizabeth Gomez,	)	
	)	
Defendants.	)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Tuesday, September 13, 2011.

2. The parties request that this hearing be continued until 10 a.m. on Monday, October 24, 2011, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or

STIPULATION AND ORDER RESCHEDULING  
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, counsel for defendant Gomez is in the process of scheduling an  
 3 appointment to review the physical and electronic evidence in this matter. This review is  
 4 necessary for effective preparation. In addition, counsel for defendant Lopez is presently  
 5 investigating the validity of defendant Lopez's prior state felony narcotics conviction. The  
 6 parties believe that failure to grant the above-requested continuance would deny defendants'  
 7 counsel and defendant the reasonable time necessary for effective preparation taking into  
 8 account the exercise of due diligence and that the ends of justice served by continuing the case as  
 9 requested outweigh the interest of the public and defendant in a trial within the date prescribed  
 10 by the Speedy Trial Act.

11 4. Thus, the parties respectfully request that the Court find that the time period from  
 12 September 13, 2011, to October 24, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
 13 (B)(iv) because it results from a continuance granted by the Court at the defendants' request and  
 14 on the basis of the Court's finding that the ends of justice served by taking such action outweigh  
 15 the best interest of the public and the defendants in a speedy trial and because failure to grant the  
 16 continuance would unreasonably deny defense counsel the time necessary for effective  
 17 preparation for trial, taking into account due diligence, as well as continuity of counsel.

18 IT IS SO STIPULATED.

19 MELINDA HAAG  
 20 United States Attorney

21 Dated: September 12, 2011

22 /s/  
 23 GARTH HIRE  
 24 Assistant United States Attorney  
 25 Attorney for United States of America

26 Dated: September 12, 2011

27 /s/  
 28 LYNN KESLAR  
 Attorney for Defendant  
 Juan Octaviano Lopez

1 Dated: September 12, 2011

/s/  
RANDALL KNOX

2 Attorney for Defendant  
3 Glendy Gomez

4  
5  
6 **ORDER**

7 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

8 1. The currently scheduled September 13, 2011, status conference hearing is  
9 vacated. A status conference hearing is now scheduled for 10:00 a.m. on October 24, 2011.

10 2. The time period from September 13, 2011, to October 24, 2011, is deemed  
11 excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance  
12 granted by the Court at the defendants' request and on the basis of the Court's finding that the  
13 ends of justice served by taking such action outweigh the best interest of the public and the  
14 defendants in a speedy trial and because failure to grant the continuance would unreasonably  
15 deny defense counsel the time necessary for effective preparation for trial, taking into account  
16 due diligence, as well as continuity of counsel.

17  
18 DATED: 9/12/11

  
HONORABLE SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE